

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 12/27/2017

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
PAUL M. CONTI,

Plaintiff,

-against-

JOHN DOE,

Defendant.
-----X

17-CV-9268 (VEC)

ORDER

VALERIE CAPRONI, United States District Judge:

WHEREAS on November 27, 2017, Plaintiff filed the Complaint in this case under seal;

WHEREAS on November 30, 2017, the Court ordered the parties to show cause why this case should not be unsealed in light of the presumption of access to the federal courts, *see Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110 (2d Cir. 2006);

WHEREAS the parties informed the Court that the Complaint contains HIPAA-protected information directly relevant to the Defendant's course of psychiatric treatment;

WHEREAS to satisfy the *Lugosch* presumption, while avoiding litigation over the proper scope of redactions, the parties agreed to anonymize the name of the Defendant but to leave most of the Complaint otherwise unredacted; and

WHEREAS on December 27, 2017, the Court, in a sealed order, approved limited additional redactions to the anonymized Complaint;

IT IS HEREBY ORDERED THAT:

1. The ECF docket of this case shall be **UNSEALED under the Defendant name "John Doe."** The Clerk shall **not** unseal any documents that have heretofore been filed with the Sealed Records Department.

2. No later than **December 29, 2017**, Plaintiff must file by ECF the anonymized Complaint with the additional redactions that the Court approved. All counsel should immediately file notices of appearance on ECF.


3. As the Court previously stated in a sealed order, the deadline for Defendant to move or answer is **January 26, 2018**. If the Defendant moves to dismiss, Plaintiff must either respond to the motion to dismiss or amend his complaint (but not both) no later than **February 23, 2018**. If Plaintiff amends his complaint, the motion to dismiss will be denied as moot. If Plaintiff responds, Defendant's reply is due **March 9, 2018**. The parties should refer to the Court's Individual Practices in Civil Cases, Rule 3, for further procedures on pretrial motions.

4. If the parties wish to redact their motion papers beyond the redactions that the Court has approved, they must follow the procedures in the Court's Individual Practices, Rule 4.

5. As the parties are aware, the Court has entered a Case Management Plan by separate order. The parties must submit a joint letter every month updating the Court on the status of discovery. The first letter is due **January 16, 2018**. Subsequent letters are due on the 15th day of each month until the close of all discovery. If the 15th falls on a weekend or holiday, the report is due on the next weekday.

SO ORDERED.

Date: December 27, 2017
New York, New York



VALERIE CAPRONI
United States District Judge